

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 625 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

B K SATHWARA & ORS.

Versus

STATE OF GUJARAT & ANR.

Appearance:

None present for Petitioners

None present for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03-03-97

C.A.V. JUDGEMENT

1. The matter was called out for hearing in the first round then in second round and lastly in the third round, but none appeared on behalf of the petitioners. So far as the respondents are concerned, in the Court four A.G.Ps., namely, Shri H.L. Jani, Shri Mukesh Patel, Shri Samir Dave and Ms. P.S. Parmar are present. All the aforesaid A.G.Ps. have made a statement before this Court that none of them have any instructions in the

matter nor the papers of this case, and as such, none of them can appear in this matter.

2. Perused the Special Civil Application. On 6th March, 1984, this Court has ordered "Rule. To be heard with Special Civil Application No.1275/84". The Special Civil Application No.1275/84 has already been dismissed by this Court on 18th February, 1995. The note which has been placed by the office shows that the petition aforesaid has been dismissed for default.

3. The petitioners, in all three in number, filed this Special Civil Application and prayer has been made therein to restrain the respondents from operating, implementing or executing the order dated 6th February, 1984, annexure 'I' in so far as the petitioners no.1 and 3 are concerned. It has further been prayed that the respondents may be restrained from reverting the petitioners from the post of Deputy Mamlatdars except in accordance with the correct seniority in the cadre of Deputy Mamlatdars based on the correct seniority in the combined cadre of Clerks and Typists as per the Government resolution dated 7-10-1974 and instructions dated 27th April, 1979. Some further prayers have also been made.

4. This court has granted the interim relief as prayed by the petitioner. Though this petition has been filed in the year 1984, but what subsequent developments have taken place are not brought on record of this case. The petitioners having the apprehension of their reversion from the post of Deputy Mamlatdar have filed this petition. This apprehension has been drawn by them from the order dated 6th February, 1984. The petitioners, as stated earlier, have been protected by this Court.

5. In view of the fact that for all these years, the petitioners are not ordered to be reverted by grant of interim relief, I consider it appropriate to dispose of this petition in terms that in case the petitioners still continue on the higher post on the basis of interim relief granted by this court then it shall be open to the respondents to consider the matter afresh whether the petitioners should be reverted or not. In case the respondents No.1 and 2 decides to revert the petitioners then they may pass a speaking order and copy of the same may be sent to the petitioners by registered post. If such an order is made then it may not be given effect to for 15 days from the date of despatch thereof to the petitioners. This Special Civil Application stands

disposed of accordingly. Rule stands disposed of in the
aforesaid terms with no order as to costs.

zgs/-